UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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| AMALGAMATED TRANSIT UNION INTERNATIONAL, et al.,<br><br>Plaintiffs,<br><br>v.<br><br>DEPARTMENT OF LABOR, et al.,<br><br>Defendants. | Civil Action Nos. 25-cv-3872 (RJL) |

**DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO CONSOLIDATE**

## INTRODUCTION

Pursuant to Federal Rule of Civil Procedure 6(b)(1), Defendant United States Department of Labor and Lori Chavez-Deremer, in her capacity as Secretary of Labor ("Defendants" or "DOL") submit their opposition to the Motion to Consolidate Case Nos. 25-cv-3872 and 25-cv-3876 (the "Motion") submitted by Plaintiffs Amalgamated Transit Union, International and affiliated local unions ("Plaintiffs" or "ATU"). Consolidation is inappropriate because on balance, the confusion of the issues and prejudice to Defendants outweigh any benefit to judicial economy.

## BACKGROUND

Plaintiffs' lawsuit ("California Case") challenges the Office of Labor-Management Standards' (OLMS) March 31, 2025 determination finding that there is no conflict between California's Public Employees' Pension Reform Act of 2013 (PEPRA) and the labor-protective provisions in the Federal Transit Act, codified at 49 U.S.C. § 5333(b) and known as "Section 13(c)" in reference to its section designation within the Urban Mass Transportation Act of 1964 (UMTA). This question has been the subject of multiple lawsuits in the years since PEPRA's enactment. ATU seeks to consolidate the California Case with 25-cv-3876 ("Florida Case"). There, ATU challenges OLMS' May 29, 2025 determination finding that there is no conflict between a 2023 Florida state law ("SB 256") regarding requirements for employee organizations that represent public employees and Section 13(c).

Plaintiffs allege that DOL erred in certifying grants to transit agencies in Florida and California because of state laws that Plaintiffs allege diminish transit workers' collective bargaining rights. They seek consolidation due to a "common question of law," namely, statutory interpretation of Section 13(c)(2). *See* Mot. Consolidate at 4.

## PROCEDURAL HISTORY

These matters were filed on November 6, 2025. On November 19, 2025, Plaintiffs filed their Motion in 25-cv-3872 and a notice of their Motion in 25-cv-3876. On December 6, 2025, the State of California moved to intervene in this matter. ECF 12. Defendants informed the Court that they do not oppose California's motion. ECF 14. Defendants answered the complaints on January 13, 2026, and January 9, 2026, respectively. On January 12, 2026, Judge Mehta ordered the parties to submit a proposed dispositive motion schedule in 25-cv-3876. ECF 12.

## LEGAL STANDARD

Consolidation under Rule 42(a) "is within the broad discretion of the trial court." *Stewart v. O'Neill*, 225 F. Supp. 2d 16, 20 (D.D.C. 2002). "[C]ourts weigh considerations of convenience and economy against considerations of confusion and prejudice." *Blasko v. Wash. Metro. Area Transit Auth.*, 243 F.R.D. 13, 15 (D.D.C. 2007) (quoting *Chang v. United States*, 217 F.R.D. 262, 265 (D.D.C. 2003)). The balance weighs in favor of consolidation where "consolidation would save time and effort ... by resolving this issue in one proceeding rather than two." *Hanson v. District of Columbia*, 257 F.R.D. 19, 22 (D.D.C. 2009).

## ARGUMENT

Plaintiffs' motion should be denied, because consolidation is simply inappropriate for three reasons.

*First*, consolidation would confuse the facts at issue in both cases. Although both matters are APA challenges, they each involve distinct state specific laws and facts. In this California Case, Plaintiffs allege that PEPRA "diminishes the right of public sector unions like ATU and the public employees they represent to bargain collectively over various aspects of defined-benefit pension

plans covering those employees." Compl. ¶13; *see also id.* ¶¶14-17 (describing requirement that new employees cover 50% of normal costs, changes to pension formulas and definition of pensionable compensation, and prohibition on the purchase of service credits). ATU asserts that, pursuant to the interpretation of Section 13(c) articulated in *ATU v. Donovan*, 767 F.2d 939 (D.C. Cir. 1985), DOL is "precluded by law" from certifying transit grants because PEPRA violates Section 13(c)(2)'s requirement for the continuation of collective bargaining rights. *Id.* at ¶43.

In the Florida Case, ATU alleges that Florida SB 256's provisions diminished collective bargaining rights in violation of Section 13(c)(2)'s requirement that such rights be continued. *See* Compl. ¶42. ATU asserts that, pursuant to the interpretation of Section 13(c) articulated in *ATU v. Donovan*, 767 F.2d 939 (D.C. Cir. 1985), DOL is "precluded by law" from certifying transit grants. *Id.* Count 2 alleges that SB 256 violated Section 13(c)(1)'s requirement that collective bargaining benefits be preserved in that "does not preserve [transit unions'] contractual right to dues checkoff and "puts all terms in the Plaintiffs' collective bargaining agreements at risk of being nullified before their expiration dates." *Id.* at ¶45.

While Plaintiffs frame these cases as simply of statutory interpretation and while they both involve Section 13(c), as California rightly observed, the cases concern categorically distinct state laws. *See* California's Mot. Intervene at 2. ECF 12 ("[ATU] seeks to present this dispute as a pure question of law and consolidate it with separate UMTA litigation involving a Florida statute imposing an annual recertification process on labor unions and prohibiting deductions of union dues—subjects **wholly unrelated to PEPRA and public pensions**. Consolidation would be inappropriate here." (emphasis added)). Because Plaintiffs challenge two separate agency actions involving wholly unrelated state laws, there is no benefit to consolidation; it merely serves to confuse the issues in dispute. Moreover, as evidenced by its "legislative history stressing the need

for flexibility and discretion" in applying the statute, *see Loc. Div. 589, Amalgamated Transit Union, AFL-CIO, CLC v. Com. of Mass.*, 666 F.2d 618, 634 (1st Cir. 1981), consideration of the factual circumstances of each application is fundamental. If the cases are fully consolidated, it will make it difficult to disentangle each case's unique factual circumstances and consider each state's distinct legal framework. *Cf. California v. U.S. Dep't of Labor*, 76 F. Supp. 3d 1125, 1143 (E.D. Cal. 2014) (finding a Section 13(c) decision deficient in that it, *inter alia*, "ignored the fact that . . . '[b]oth employers and employees come to the bargaining table with rights under state law that form a 'backdrop' for their negotiations'" (quoting *Fort Halifax Packing Co., Inc. v. Coyne*, 482 U.S. 1, 21 (1987))).

*Second*, Plaintiffs articulate no persuasive harm to their continuing to separately litigate the two distinct matters—the lawsuits that they filed separately. The prejudice in consolidating, however, is substantial. As explained above, consolidation of the cases is likely to confuse the factual circumstances. Moreover, requiring Defendants to brief two very complex administrative proceedings with lengthy factual histories in one brief makes no sense. The proceedings and litigation regarding the California law began over a decade ago and the record stands at over 4,000 pages. The Florida Case necessitates its own administrative record. Referencing both records in a single brief adds a layer of needless complexity. Consolidation imposes a needless and undue burden on the parties.

*Third*, consolidation does not result in judicial economy or a more convenient result. In *Trustees of IAM National Pension Fund v. Ohio Magnetics, Inc*., the Court noted that consolidation "is unwarranted" where the "parties at issue, the procedural posture, and the allegations in each case are different." 2021 WL 3036854 *1 (D.D.C. 2021) (*quoting Hanson*, 257 F.R.D. at 22 (D.D.C. 2009)). While both cases are in early stages of litigation, the cases already have different

potential parties and postures and may diverge further. States often intervene in these matters, and California has already moved to intervene in the California Case. When Plaintiffs filed a similar suit in 2019, California successfully moved to intervene and transfer venue to the Eastern District of California. *Amalgamated Transit Union Int'l v. United States Dep't of Lab.*, No. 19-cv-2533 (EGS), 2020 WL 8182892, at *6 (D.D.C. Apr. 29, 2020). Additionally, the factual circumstances of each case are different and so the allegations are necessarily different. Related questions of law applied in distinct factual contexts should not *de facto* result in consolidation. Plaintiffs admit that the 'cases ultimately require the application of Section 13(c) (2) to different rights-diminishing state statutes, and the Florida Case involves a separate claim." Mot. at 18.

Instead of consolidation, Defendants do not object to the designation of the Florida Case as related to this California Case and its reassignment. *See* LCvR 40.5(c)(2) ("Where the existence of related cases in this Court is revealed after the cases are assigned, the judge having the later-numbered case may transfer that case to the Calendar and Case Management Committee for reassignment to the judge having the earlier case."). This result would achieve the judicial economy advocated by Plaintiffs by avoiding having "two judges in this District simultaneously reviewing the same statutory language and legislative-history materials to determine which party's interpretation of Section 13(c)(2) is correct." *See* ECF 7-1 at 5. At the same time, litigating the cases separately will avoid the confusion explained above that would result from attempting to combine briefing and argument for both cases.

**CONCLUSION**

For these reasons, Plaintiffs' motion should be denied. A proposed order is attached.

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Dated: January 23, 2026
Washington, DC

Respectfully submitted,

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